

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

PHILLIP DANIEL, on behalf of himself and all)
others similarly situated,)
)
Plaintiff,)
)
v.) Civil Action No.: 3:20-cv-00655-RJC-DCK
)
STERICYCLE, INC.; and SHRED-IT USA,)
LLC,)
)
Defendants.)

**PLAINTIFF'S UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF
PROPOSED CLASS AND COLLECTIVE ACTION SETTLEMENT**

Pursuant to Fed. R. Civ. P. 23 and 29 U.S.C. § 216(b), and based on the accompanying memorandum of law, Plaintiff Phillip Daniel (“Plaintiff”) respectfully moves this Court, consistent with the Parties’ Stipulation of Class and Collective Action Settlement and Release of Claims (“Settlement Agreement”), for an order: (1) asserting jurisdiction over the claims alleged, Plaintiff and Defendants in this action, and the implementation and administration of the proposed Settlement Agreement; (2) preliminarily approving the proposed class and collective action settlement; (3) provisionally certifying the Putative Rule 23 Settlement Class (as defined in the Settlement Agreement) for purposes of settlement only; (4) appointing Plaintiff’s counsel as Class Counsel; (5) approving and appointing CPT Group, Inc. as Settlement Administrator; (6) approving the proposed Settlement Notice and notice plan; and (7) setting a date for a final approval hearing that is no earlier than one-hundred (100) calendar days from the date after the motion for preliminary approval is filed. The proposed order is submitted herewith.

Counsel for Plaintiff have conferred with counsel for Defendants Stericycle Inc. and Shred-it USA, LLC (“Defendants”) and, consistent with the Settlement Agreement, Defendants do not

oppose the instant motion for purposes of settlement.

Respectfully submitted, this August 31, 2023.

/s/ Gilda Adriana Hernandez

Gilda A. Hernandez (NCSB No. 36812)
Hannah B. Simmons (NCSB No. 59579)
**THE LAW OFFICES OF GILDA A.
HERNANDEZ, PLLC**
1020 Southhill Drive, Suite 130
Cary, NC 27513
Tel: (919) 741-8693
Fax: (919) 869-1853
ghernandez@gildahernandezlaw.com
hsimmons@gildahernandezlaw.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2023, I electronically filed the foregoing true and accurate copy of **PLAINTIFF'S UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF PROPOSED CLASS AND COLLECTIVE ACTION SETTLEMENT** with the Court using the CM/ECF system, and have thereby electronically served the document to the following:

Jerry H. Walters, Jr., N.C. Bar No. 23319

LITTLER MENDELSON, P.C.

Bank of America Corporate Center

100 North Tryon Street, Suite 4150

Charlotte, NC 28202

Tel.: 704.972.7000

Fax: 704.333.4005

jwalters@littler.com

Richard W. Black (*admitted pro hac vice*)

LITTLER MENDELSON, P.C.

3424 Peachtree Road NE, Suite 1200

Atlanta, GA 30326

Tel.: 404.233.0330

Fax: 404.233.2361

rblack@littler.com

Joshua B. Waxman (*admitted pro hac vice*)

Meredith L. Schramm-Strosser (*admitted pro hac vice*)

LITTLER MENDELSON, P.C.

815 Connecticut Ave NW, Suite 400

Washington, DC 20006

Tel.: 202.842.3400

Fax: 202.842.0011

jwaxman@littler.com

mschramm-strosser@littler.com

Attorneys for Defendants Stericycle Inc. and Shred-it USA LLC

/s/ Gilda Adriana Hernandez

Gilda A. Hernandez, (NCSB No. 36812)

Hannah B. Simmons (NCSB No. 59579)

THE LAW OFFICES OF GILDA A.

HERNANDEZ, PLLC

1020 Southhill Drive, Suite 130

Cary, NC 27513

Tel: (919) 741-8693
Fax: (919) 869-1853
ghernandez@gildahernandezlaw.com
hsimmons@gildahernandezlaw.com

Attorneys for Plaintiff